

IN THE CIRCUIT COURT FOR THE 17th JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

SAMANTHA MAYOR,

Plaintiff,

v.

THE SCHOOL BOARD OF BROWARD COUNTY;
the BROWARD SHERIFF'S OFFICE;
SCOT PETERSON; ANDREW MEDINA,
and HENDERSON BEHAVIORAL HEALTH INC.,

Defendants.

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, SAMANTHA MAYOR, by and through undersigned counsel, in accordance with the Florida Rules of Civil Procedure, hereby files her complaint against Defendants, THE SCHOOL BOARD OF BROWARD COUNTY, the BROWARD SHERIFF'S OFFICE, SCOT PETERSON, ANDREW MEDINA, and HENDERSON BEHAVIORAL HEALTH INC. As grounds therefore, Plaintiff state:

Allegations as to all counts

1. This is a civil action arising out of a school shooting which occurred on Valentine's Day (February 14, 2018) at Marjory Stoneman Douglas High School in Parkland, Florida.
2. On Valentine's Day NIKOLAS CRUZ shot and killed seventeen students and teachers, and injured 17 additional students and teachers including SAMANTHA MAYOR.
3. This is an action for damages in excess of \$15,000.00 exclusive of interest, costs and attorney's fees.
4. SAMANTHA MAYOR was shot and injured at Marjory Stoneman Douglas High School

in Parkland, Florida, on February 14, 2018 and at all times material hereto resides in Broward County, Florida.

5. At all times material hereto, SAMANTHA MAYOR was an invitee and student under the direct guidance, supervision, control and instruction of the Defendant, THE SCHOOL BOARD OF BROWARD COUNTY, and/or its agents, servants, and/or employees at Marjory Stoneman Douglas High School located in Parkland, Broward County, Florida.
6. Plaintiff has complied with the presuit notice requirements of Florida Statute 768.28 and all applicable subparts thereto.
7. On or about February 14, 2018, shortly after 2:20PM, SAMANTHA MAYOR was intentionally and criminally shot by a certain Nikolas Cruz, within the confines of Marjory Stoneman Douglas High, and suffered bodily injury.
8. All conditions precedent to the bringing of this action have been complied with or waived.

Venue

9. The incident complained of occurred in Broward County, Florida.
10. Venue is proper in Broward County, Florida.

COUNT I **NEGLIGENCE CLAIM AGAINST DEFENDANT** **THE SCHOOL BOARD OF BROWARD COUNTY**

11. Plaintiff readopts and re-alleges all prior allegations contained in Paragraphs 1-10.
12. THE SCHOOL BOARD OF BROWARD COUNTY (“SBBC”) is a political subdivision of the STATE OF FLORIDA. SBBC is the division of the County government responsible for the operation, management, budgeting, and all other aspects of the Broward County Public School System, including Marjory Stoneman Douglas High School.

- 13.** At all times material, Defendant SBBC, through its agents and employees including Co-Defendant ANDREW MEDINA, owed a duty to its students, employees, licensees, and invitees, to exercise reasonable and ordinary care to maintain its premises, including Marjory Stoneman Douglas High School, in a condition reasonably safe for use by its students, employees, licensees, and invitees, including SAMANTHA MAYOR. In particular, Defendant had a duty to take such precautions as were reasonably necessary to protect its students, licensees, and invitees, including SAMANTHA MAYOR, from reasonably foreseeable criminal attacks on the premises.
- 14.** At all times material, Defendant SBBC was aware, or should have been aware, of numerous acts of violence or threats of violence by Nikolas Cruz against other persons within the Broward County school system and others. In the days, weeks, months and years preceding the subject incident, while Mr. Cruz was (putatively) under various levels of disciplinary control by the Defendant SBBC, Mr. Cruz openly expressed a fascination with firearms and/or other weapons capable of inflicting serious bodily injury or death. Such threats made by Nikolas Cruz included, but are not limited to a specific threat to “shoot up the school” in February 2016. This information was provided to Defendant SBBC via its school resource officer, Co-Defendant and Broward Sherriff Office Deputy SCOT PETERSON.
- 15.** Despite the long history of Nikolas Cruz’s threats, of which the Defendant was or should have been seriously concerned, Defendant SBBC failed to take reasonable measures to address the foreseeable risk that Nikolas Cruz posed to invitees upon the subject premises, including SAMANTHA MAYOR.
- 16.** At all times material, Defendant SBBC, through its agents and employees, knew or in the

exercise of reasonable care should have known that there had been numerous criminal acts and attacks perpetrated on students and employees at numerous high schools, middle schools, and other schools throughout the State of Florida and the United States, and that further criminal acts and attacks were reasonably likely to be perpetrated on the Defendant's students, employees, licensees, and invitees unless the Defendant took reasonable steps to provide proper security for such individuals.

17. Defendant SBBC, through its agents and employees, was in an exclusively superior position to students such as SAMANTHA MAYOR, to take the measures necessary to provide for security on school premises.

18. At the above mentioned time and place, Defendant, SBBC, by and through its agents and employees, breached its duty to exercise ordinary and reasonable care for the safety and protection of the students, employees, licensees, and invitees, including SAMANTHA MAYOR, through the following acts of omission or commission:

- a. Failing to provide adequate security for its students, employees, licensees, and invitees, including minor, SAMANTHA MAYOR;
- b. Failing to warn its students, parents of students, employees, licensees, and invitees, including SAMANTHA MAYOR, of the nature and character of the threat posed by Nikolas Cruz, when it knew or in the exercise of reasonable care should have known that Nikolas Cruz had a significant history of making threats of violence, including threats of violence involving the use of firearms, at school;
- c. Failing to adequately police, patrol, guard, deter, and otherwise provide reasonable protection for its students, employees, licensees, and invitees, when Defendant knew or should have known of foreseeable criminal acts;

- d. Failing to reasonably hire and/or retain and/or supervise adequate security personnel to patrol and/or monitor the premises of Marjory Stoneman Douglas High School, thereby protecting its students, employees, licensees, and invitees, including SAMANTHA MAYOR;
- e. Failing to have proper procedures in place for hiring, training, and/or supervising school resource officers, monitors, police officers or other staff responsible for school security;
- f. Failing to have a sufficient number of security guards in visible areas to deter crime, thereby protecting its students, employees, licensees, and invitees, including SAMANTHA MAYOR;
- g. Failing to have adequate mechanisms for security personnel, staff, employees, students and others within the school community to report real threats or other security concerns against themselves or others;
- h. Failing to properly train employees, administrators, guards and/or other employees to adequately supervise the campus in such a way that would prevent acts of violence;
- i. Failing to implement or follow adequate security policies, security measures, and security procedures necessary to protect SAMANTHA MAYOR and other students, employees, licensees, and invitees;
- j. Failing to take additional security measures after being put on notice that the security measures in force were inadequate;
- k. Failing to adequately provide an overall security plan that would meet the known industry standards and customs for safety in schools;

- l. Failing to adequately screen or monitor those entering the premises for the possession of weapons
 - m. Failing to implement reasonable crime prevention through environmental design concepts which would have hardened Marjory Stoneman Douglas High School against foreseeable violent crime such as the subject incident;
 - n. Acting or failing to act consistently with the relevant policies, procedures, guidelines and training relating to the protection of human life that were in effect at the time of the shooting.
- 19.** As a direct and proximate result of the negligence of Defendant, SBBC, Plaintiff, SAMANTHA MAYOR, suffered bodily harm on February 14, 2018 from an assault and battery on the subject school premises and was seriously and severely injured in and about the leg, body and limbs and was thereby rendered sick, sore, lame, and otherwise disabled or, in the alternative, the injuries aforesaid thereby caused or contributed to cause an aggravation of a previous existing defect or infirmity; and as a direct result thereof, Plaintiff, SAMANTHA MAYOR, has in the past suffered and will in the future suffer pain and anguish of body and mind, and loss of capacity for the enjoyment of life, all of which conditions are permanent or continuing in nature.
- 20.** As a further direct and proximate result of the negligence of Defendant, SBBC, as aforesaid, Plaintiff, SAMANTHA MAYOR, has in the past undergone and will in the future undergo medical care and treatment and has in the past incurred and will in the future incur medical bills and expenses attendant to the injuries, as aforesaid.
- 21.** As a further direct and proximate result of the gross negligence of Defendant, SBBC, as aforesaid, Plaintiff, SAMANTHA MAYOR, has in the past sustained and will in the

future sustain loss of earnings and earning capacity.

WHEREFORE, Plaintiff, SAMANTHA MAYOR, sues Defendant, THE SCHOOL BOARD OF BROWARD COUNTY, and demands judgment against Defendant for all damages recoverable under the laws of Florida and further demands a trial by jury on all issues so triable as of right by a jury.

COUNT II
NEGLIGENCE CLAIM AGAINST DEFENDANT
BROWARD SHERIFF'S OFFICE

22. Plaintiff readopts and re-alleges all prior allegations contained in Paragraphs 1-10.

23. BROWARD SHERIFF'S OFFICE (Hereinafter "BSO") is a political subdivision of the STATE OF FLORIDA. BSO is a licensed Florida law enforcement agency with jurisdiction that includes Marjory Stoneman Douglas High School.

24. On February 14, 2018, Defendant BSO undertook to respond to reports of shots fired at Marjory Stoneman Douglas High School. BSO officers and agents, including Co-Defendant SCOT PETERSON, were performing an operational-level function as the shooting unfolded, which involved the activation of a preexisting BSO policy relating to active shooter situations. One of the longstanding requirements upon which students, faculty and staff are trained, is to shelter in place under a "lockdown," and wait for law enforcement to clear the scene. The BSO policy on active shooter situations in schools mandates that officers' first priority is to stop the killing. Officers must go directly to the sounds of the gunfire and attempt to neutralize the attacker. These BSO operational mandates did not involve the exercise of any type of quasi-legislative discretion.

25. At all times material, BSO negligently implemented its policies and procedures by failing to immediately enter, locate, and neutralize Nikolas Cruz, the shooter who shot and injured SAMANTHA MAYOR and killed 17 other students and employees on February 14, 2018, when it had the capability to carry out this operational mandate to an active shooter situation. BSO placed employees, staff, and students, including SAMANTHA MAYOR, in a foreseeable, highly vulnerable zone of risk by failing to follow the aforementioned policy, and by instead, waiting outside the school for an inordinate amount of time as the shots rang out inside the school.
26. This failure increased the risk of harm to SAMANTHA MAYOR by inducing the victims of the mass shooting, who would have otherwise exercised self-help or taken other steps to protect themselves to forebear from doing so, which caused or contributed substantially to the injury of SAMANTHA MAYOR and others.
27. As a result of BSO's failure to act in a manner consistent with the safety of everyone in the school, including SAMANTHA MAYOR, Nikolas Cruz was able to carry out a prolonged murderous attack within Marjory Stoneman Douglas High School, which resulted in the shooting SAMANTHA MAYOR and her classmates.
28. As a direct and proximate result of the negligence of Defendant, BSO, Plaintiff, SAMANTHA MAYOR, suffered bodily harm on February 14, 2018 from an assault and battery on the subject school premises and was seriously and severely injured in and about the leg, body and limbs and was thereby rendered sick, sore, lame, and otherwise disabled or, in the alternative, the injuries aforesaid thereby caused or contributed to cause an aggravation of a previous existing defect or infirmity; and as a direct result thereof, Plaintiff, SAMANTHA MAYOR, has in the past suffered and will in the future suffer pain and

anguish of body and mind, and loss of capacity for the enjoyment of life, all of which conditions are permanent or continuing in nature.

29. As a further direct and proximate result of the negligence of Defendant, BSO, as aforesaid, Plaintiff, SAMANTHA MAYOR, has in the past undergone and will in the future undergo medical care and treatment and has in the past incurred and will in the future incur medical bills and expenses attendant to the injuries, as aforesaid.

30. As a further direct and proximate result of the gross negligence of Defendant, BSO, as aforesaid, Plaintiff, SAMANTHA MAYOR, has in the past sustained and will in the future sustain loss of earnings and earning capacity.

WHEREFORE, Plaintiff, SAMANTHA MAYOR, sues Defendant, THE BROWARD SHERIFF'S OFFICE, and demands judgment against Defendant for all damages recoverable under the laws of Florida and further demands a trial by jury on all issues so triable as of right by a jury.

COUNT III
WILLFUL AND WANTON NEGLIGENCE CLAIM AGAINST DEFENDANT
SCOT PETERSON

31. Plaintiff readopts and re-alleges all prior allegations contained in Paragraphs 1-10.

32. At all times material, SCOT PETERSON was a sworn law enforcement officer with BROWARD COUNTY SHERIFF'S DEPARTMENT, and was a School Resource Officer ("SRO") at Marjory Stoneman Douglas High School.

33. At all times material, SCOT PETERSON's duties as SRO at Marjory Stoneman Douglas High School included, *inter alia*, performing law enforcement functions within the school setting, and providing assistance to THE SCHOOL BOARD OF BROWARD COUNTY

in protecting and securing the school plant and its occupants.

34. On February 14, 2018, Defendant SCOT PETERSON undertook to respond to reports of shots fired at Marjory Stoneman Douglas High School. SCOT PETERSON was performing an operational-level function as the shooting unfolded, which involved the activation of a preexisting BSO policy relating to active shooter situations. One of the longstanding requirements upon which students, faculty and staff are trained, is to shelter in place under a “lockdown,” and wait for law enforcement to clear the scene. The BSO policy on active shooter situations in schools mandates that officers’ first priority is to stop the killing. Officers must go directly to the sounds of the gunfire and attempt to neutralize the attacker. These BSO operational mandates did not involve the exercise of any type of quasi-legislative discretion.

35. At all times material, SCOT PETERSON wantonly and willfully disregarded BSO policies and procedures by not immediately entering or attempting to enter the high school for the purpose of locating and neutralizing Nikolas Cruz, the shooter who shot and injured SAMANTHA MAYOR and killed 17 other student and employees on February 14, 2018, when he had the duty and capability to carry out this operational mandate in an active shooter situation. SCOT PETERSON wantonly and willfully placed employees, staff, and students, including SAMANTHA MAYOR, in a foreseeable, highly vulnerable zone of risk by wantonly and willfully failing to follow the aforementioned policy, and by instead, waiting outside the school for an inordinate amount of time as the shots rang out inside the school.

36. SCOT PETERSON’s actions (and inactions) increased the risk of harm to SAMANTHA MAYOR by inducing the victims of the mass shooting, who would have otherwise

exercised self-help or taken other steps to protect themselves to forebear from doing so, which caused or contributed substantially to the injury of SAMANTHA MAYOR and others. Further, SCOT PETERSON, in a manner exhibiting bad faith and extraordinary recklessness, wantonly and willfully ordered via radio transmission a lockdown of the school which precluded students from leaving (while he failed to enter as required by procedure), while almost simultaneously, ordering other responding officers to not even approach the situs of the shooting, much less enter as established BSO policy required, thus prolonging the killing spree that continued inside. These commands, individually and collectively, were a gross departure from BSO operating procedures in response to active shooter situations such as this.

37. On numerous occasions prior to February 14, 2018, SCOT PETERSON further wantonly and willfully failed to investigate or share relevant information of which he was aware regarding the dangerousness of Nikolas Cruz with appropriate agencies and authorities that were in a superior position to take prophylactic measures to guard against the threat Nikolas Cruz posed to the entire school community, including SAMANTHA MAYOR and her classmates.

38. As a result of SCOT PETERSON's deliberate failures to act in a manner consistent with the safety of everyone in the school, including SAMANTHA MAYOR, Nikolas Cruz was able to carry out a prolonged murderous attack within Marjory Stoneman Douglas High School, which resulted in the shooting of SAMANTHA MAYOR and her classmates and teachers.

39. Defendant, PETERSON's acts and omissions, as set forth herein, were committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of

human rights, safety, or property.”

40. As a direct and proximate result of the negligence of Defendant, PETERSON, Plaintiff, SAMANTHA MAYOR, suffered bodily harm on February 14, 2018 from an assault and battery on the subject school premises and was seriously and severely injured in and about the leg, body and limbs and was thereby rendered sick, sore, lame, and otherwise disabled or, in the alternative, the injuries aforesaid thereby caused or contributed to cause an aggravation of a previous existing defect or infirmity; and as a direct result thereof, Plaintiff, SAMANTHA MAYOR, has in the past suffered and will in the future suffer pain and anguish of body and mind, and loss of capacity for the enjoyment of life, all of which conditions are permanent or continuing in nature.

41. As a further direct and proximate result of the negligence of Defendant, PETERSON, as aforesaid, Plaintiff, SAMANTHA MAYOR, has in the past undergone and will in the future undergo medical care and treatment and has in the past incurred and will in the future incur medical bills and expenses attendant to the injuries, as aforesaid.

42. As a further direct and proximate result of the gross negligence of Defendant, PETERSON, as aforesaid, Plaintiff, SAMANTHA MAYOR, has in the past sustained and will in the future sustain loss of earnings and earning capacity.

WHEREFORE, Plaintiff, SAMANTHA MAYOR, sues Defendant, SCOT PETERSON, and demands judgment against Defendant for all damages recoverable under the laws of Florida and further demands a trial by jury on all issues so triable as of right by a jury.

COUNT IV
WILLFUL AND WANTON NEGLIGENCE CLAIM AGAINST DEFENDANT
ANDREW MEDINA

43. Plaintiff readopts and re-alleges all prior allegations contained in Paragraphs 1-10.
44. At all times material, ANDREW MEDINA was an employee, a campus monitor and baseball coach, with THE SCHOOL BOARD OF BROWARD COUNTY assigned to Marjory Stoneman Douglas High School.
45. At all times material, ANDREW MEDINA's duties as a school monitor at Marjory Stoneman Douglas High School included providing assistance to THE SCHOOL BOARD OF BROWARD COUNTY in protecting and securing the school and its occupants.
46. On February 14, 2018, Defendant, ANDREW MEDINA, was the first person at Marjory Stoneman Douglas High School to see the shooter, NIKOLAS CRUZ. Defendant, MEDINA, immediately recognized the shooter to be "the crazy boy" who was previously expelled from the school campus.
47. Defendant, MEDINA saw NIKOLAS CRUZ get out of the Uber car carrying the large, black bag and walk, in MEDINA'S words, "south of Holmberg ... on the [MSD] campus through the bike rack gate.... He's bee-lining. He's got his head down. He's on a mission.... He's walking with a purpose." MEDINA looped around in his golf cart to follow NIKOLAS CRUZ. MEDINA saw that NIKOLAS CRUZ was heading to Building 12. MEDINA called the security guard/fellow coach David Taylor on the school radio and warned Taylor "got a suspicious subject on campus. Got a black bag in his hands. Keep your eyes open because I think he's going into your building. So...be careful.
48. When Medina first "heard the shots, he told [SCOT PETERSON]" – presumably over the school radio – "there's some crazy shots going on," according to MEDINA. MEDINA

heard, he said, “at least 15 bangs....And it was loud. Like, you could kind of feel the percussion coming out of that building, the echo coming out of the doors of the building. It was ... loud. It was kind of... surreal to really hear.” MEDINA remarked that, “when I’m coming to get [SCOT PETERSON], [SCOT PETERSON is] already walking out of the thing like ready to come down. So I pick [SCOT PETERSON] up on my golf cart and then somebody yells on the radio, ‘oh, it sounds like fireworks.’ And somebody said, ‘those ain’t fireworks.’ And once we get to ... the front by the building [12] we heard the shots again. Pop, pop, pop. That’s when [SCOT PETERSON] was like, ‘get out of here.’ And he jumped off and he ran to his own way and he told me ‘just to go back to the front of the school.’” MEDINA adds that “when [SCOT PETERSON] heard the shots, that’s when he was like, ‘we got a shooter on...campus....’”

49. Defendant, MEDINA, did not follow one of the longstanding requirements upon which students, faculty and staff are trained to call a “Code Red” when there is suspicious activity, including hearing gun-shots fired.
50. Defendant, MEDINA, owed a duty to all the students, faculty, and staff at Marjory Stoneman Douglas, including but not limited to SAMANTHA MAYOR, to monitor the campus for dangerous and unusual activity, to alert the appropriate authorities when a dangerous or unusual activity occurs, and to call a “Code Red” alarm when appropriate.
51. MEDINA breached this duty and his failure increased the risk of harm to SAMANTHA MAYOR by inducing the victims of the mass shooting, who would have otherwise exercised self-help or taken other steps to protect themselves to forebear from doing so, which caused or contributed substantially to the injury of SAMANTHA MAYOR and others.

52. At all times material, ANDREW MEDINA wantonly and willfully disregarded THE SCHOOL BOARD OF BROWARD COUNTY policies and procedures by not immediately calling a “Code Red” when he had the duty and capability to carry out this operational mandate in an active shooter situation. ANDREW MEDINA wantonly and willfully placed employees, staff, and students, including SAMANTHA MAYOR, in a foreseeable, highly vulnerable zone of risk by wantonly and willfully failing to follow the aforementioned policy, and by instead, waiting outside the school for an inordinate amount of time as the shots rang out inside the school.
53. ANDREW MEDINA actions (and inactions) increased the risk of harm to SAMANTHA MAYOR by inducing the victims of the mass shooting, who would have otherwise exercised self-help or taken other steps to protect themselves to forebear from doing so, which caused or contributed substantially to the injury of SAMANTHA MAYOR and others.
54. As a result of ANDREW MEDINA’s deliberate failures to act in a manner consistent with the safety of everyone in the school, including SAMANTHA MAYOR, Nikolas Cruz was able to carry out a prolonged murderous attack within Marjory Stoneman Douglas High School, which resulted in the shooting of SAMANTHA MAYOR and her classmates and teachers.
55. Defendant, MEDINA’s acts and omissions, as set forth herein, were committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.
56. As a direct and proximate result of the negligence of Defendant, MEDINA, Plaintiff, SAMANTHA MAYOR, suffered bodily harm on February 14, 2018 from an assault and

battery on the subject school premises and was seriously and severely injured in and about the leg, body and limbs and was thereby rendered sick, sore, lame, and otherwise disabled or, in the alternative, the injuries aforesaid thereby caused or contributed to cause an aggravation of a previous existing defect or infirmity; and as a direct result thereof, Plaintiff, SAMANTHA MAYOR, has in the past suffered and will in the future suffer pain and anguish of body and mind, and loss of capacity for the enjoyment of life, all of which conditions are permanent or continuing in nature.

57. As a further direct and proximate result of the negligence of Defendant, MEDINA, as aforesaid, Plaintiff, SAMANTHA MAYOR, has in the past undergone and will in the future undergo medical care and treatment and has in the past incurred and will in the future incur medical bills and expenses attendant to the injuries, as aforesaid.

58. As a further direct and proximate result of the gross negligence of Defendant, MEDINA, as aforesaid, Plaintiff, SAMANTHA MAYOR, has in the past sustained and will in the future sustain loss of earnings and earning capacity.

WHEREFORE, Plaintiff, SAMANTHA MAYOR, sues Defendant, ANDREW MEDINA, and demands judgment against Defendant for all damages recoverable under the laws of Florida and further demands a trial by jury on all issues so triable as of right by a jury.

COUNT V
NEGLIGENCE CLAIM AGAINST
HENDERSON BEHAVIORAL HEALTH INC.

59. Plaintiff readopts and re-alleges all prior allegations contained in Paragraphs 1-10.

60. Defendant, HENDERSON BEHAVIORAL HEALTH, INC., (hereafter “HENDERSON”) is a Florida not for profit corporation that was at all times material hereto licensed to do

and doing business in Broward County, Florida, the mission of which includes providing healthcare, housing, and hope for 30,000 persons of all ages with behavioral health conditions in Florida through care, supported employment, advocacy, and housing.

61. HENDERSON, its employees, agents, independent contractors and/or counselors, therapists, case managers, and mental health personnel had interactions either with CRUZ and/or his mother on the following occasions, including but not limited to: October 6, 2009, October 8, 2009, October 16, 2009, December 3, 2009, March 9, 2010, January 15, 2013, April 15, 2013, May 2, 2013, May 10, 2013, May 21, 2013, May 22, 2013, June 4, 2013, June 26, 2014, July 3, 2013, September 19, 2013, October 19, 2013, October 29, 2013, November 1, 2013, November 5, 2013, February 18, 2014, February 19, 2014, February 26, 2014, March 20, 2014, April 11, 2014, April 11, 2014, April 11, 2014, April 15, 2014, May 9, 2014, May 20, 2014, June 10, 2014, June 24, 2014, July 1, 2014, July 7, 2014, August 27, 2014, September 8, 2014, September 9, 2014, September 22, 2014, November 5, 2014, December 10, 2014, December 23, 2014, December 17, 2014, December 23, 2014, February 12, 2015, March 9, 2015, April 2, 2015, June 23, 2015, August 11, 2015, August 18, 2015, January 2016, February 5, 2016, September 23, 2016, September 28, 2016, September 29, 2016, October 26, 2016, November 8, 2016, November 22, 2016, December 20, 2016, and December 27, 2016.

62. CRUZ received behavioral healthcare services through a variety of HENDERSON's programs, including but not limited to: Family Counseling Enhancement Program ("FCE"), Youth General Case Management ("YGCM"), Wrap Around Case Management ("WACM"), Family Intervention Team Program ("FIT"), Responding Effectively to Adolescents and Children in Home and Crisis Services ("REACH"), Youth and Family

Services (“YFS”), Families Involved Together (“FIT”) and Youth Emergency Services Team (“YES”).

63. HENDERSON first began providing behavioral healthcare services to CRUZ in October of 2009 when CRUZ was just eleven years old and in the 4th grade at Coral Springs Elementary.

64. CRUZ was also evaluated by a counselor with HENDERSON in January 2013 where the counselor determined that he did not warrant hospitalization for mental health evaluation. He was sent to HENDERSON after an incident where he threw his mother against a wall because she took an X-box video game away from him.

65. HENDERSON further provided care for CRUZ on September 28, 2016 after a student reported to SRO Deputy SCOT PETERSON that CRUZ, while depressed, had cut himself and ingested gasoline in an attempt to kill himself. The student further stated that CRUZ wanted to buy a gun for hunting, had drawn a swastika on his backpack next to the words “I hate n-----s”.

66. On that occasion, counselors from HENDERSON advised police that NIKOLAS CRUZ “was not a risk to harm himself or anyone else” because he was on a treatment plan for ADHD, depression, and autism.

67. HENDERSON owed a duty to the students, faculty, and staff at Marjory Stoneman Douglas, including Plaintiff, SAMANTHA MAYOR, to properly care for, treat, and evaluate CRUZ.

68. The Florida Mental Health Act of 1971 (commonly referred to as the “Baker Act”) allows for the involuntary and temporary institutionalization and examination of an individual for up to 72 hours. It can be initiated by judges, law enforcement officials, physicians or

mental health professionals. HENDERSON had at least three opportunities to “Baker Act” CRUZ and thus render him unable to legally purchase the gun he used in the tragedy, but HENDERSON failed to do so each time.

69. Throughout HENDERSON’s provision of behavioral health services to CRUZ, HENDERSON failed to effectively treat CRUZ for depression and in fact provided treatment to CRUZ which exacerbated and fueled his depression, and substantially contributed to causing his violent tendencies and behavior, inclusive of his mass shooting at MSDHS.
70. Throughout HENDERSON’s provision of behavioral health services to CRUZ, HENDERSON failed to diagnose CRUZ with antisocial personality disorder (psychopathy), dissocial personality disorder (sociopathy) and/or conduct disorder, and thus failed to treat CRUZ’s psychopathy, sociopathy and/or conduct disorder.
71. Throughout HENDERSON’s provision of behavioral health services to CRUZ, HENDERSON recorded CRUZ’s medication regimen for the purposes of medication management and failed to properly coordinate and supervise the medicinal care of CRUZ.
72. HENDERSON knew or should have known that CRUZ was depressed and suffered from antisocial personality disorder (psychopathy), dissocial personality disorder (sociopathy), and/or conduct disorder, that their provision of services were making things worse, and that CRUZ posed a risk of harm to the students, teachers and administrators of MSDHS given the circumstances, including his conditions and violent tendencies and behavior.
73. HENDERSON failed to warn the students, teachers and administrators of MSDHS that CRUZ posed a risk of harm to them.

74. HENDERSON further failed to properly inform SBBC and school officials regarding CRUZ, or participated with SBBC and school officials in the improper mainstreaming of CRUZ into MSDHS, which led to CRUZ being improperly transferred to MSDHS – a school that he could not handle and for which he was not suitable.

75. As a direct and proximate result of the negligence of Defendant, HENDERSON, Plaintiff, SAMANTHA MAYOR, suffered bodily harm on February 14, 2018 from an assault and battery on the subject school premises and was seriously and severely injured in and about the leg, body and limbs and was thereby rendered sick, sore, lame, and otherwise disabled or, in the alternative, the injuries aforesaid thereby caused or contributed to cause an aggravation of a previous existing defect or infirmity; and as a direct result thereof, Plaintiff, SAMANTHA MAYOR, has in the past suffered and will in the future suffer pain and anguish of body and mind, and loss of capacity for the enjoyment of life, all of which conditions are permanent or continuing in nature.

76. As a further direct and proximate result of the negligence of Defendant, HENDERSON, as aforesaid, Plaintiff, SAMANTHA MAYOR, has in the past undergone and will in the future undergo medical care and treatment and has in the past incurred and will in the future incur medical bills and expenses attendant to the injuries, as aforesaid.

77. As a further direct and proximate result of the gross negligence of Defendant, HENDERSON, as aforesaid, Plaintiff, SAMANTHA MAYOR, has in the past sustained and will in the future sustain loss of earnings and earning capacity.

WHEREFORE, Plaintiff, SAMANTHA MAYOR, sues Defendant, HENDERSON BEHAVIORAL HEALTH INC., and demands judgment against Defendant for all damages

recoverable under the laws of Florida and further demands a trial by jury on all issues so triable as of right by a jury.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury of all issues triable as of right by a jury.

DATED THIS 10th DAY OF APRIL, 2019.

Kelley  Uustal, PLC

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